

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JESSE ARON ROSS,

Plaintiff - Appellant,

vs.

NYE COUNTY SHERIFF'S OFFICE,
et al.,

Defendant - Appellees.

2:12-cv-00287-KJD-VCF

ORDER

This matter is before the Court on referral from the United States Court of Appeals for the Ninth Circuit for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.

This case came to the Court on Plaintiff's Civil Rights Complaint alleging violation of his Fourth and Fourteenth Amendment rights. Specifically, Plaintiff alleged that he was unreasonably subjected to strip searches while in custody as a pre-trial detainee. Based on the recently decided case of Florence v. Brd of Chosen Freeholders of County of Burlington, - S.Ct.-2012 WL 1069092, this Court found that Plaintiff has not averred cognizable claims for relief and that his complaint must be dismissed. In Florence, the Supreme Court determined that it was reasonable and not a violation of the Fourth Amendment for detention officials to require that a pre-trial detainee be subjected to strip

1 searches in

2 order to ensure for the safety and security of the staff and other prisoners. Accordingly, Plaintiff
3 should not be permitted to proceed *in forma pauperis* where, as here, he has failed to allege valid
4 claims under the Fourth and Fourteenth Amendments. The Court finds that the appeal is frivolous
5 and not taken in good faith. 28 U.S.C. §1915(a)(3).

6 Accordingly, IT IS HEREBY ORDERED that Plaintiff's *in forma pauperis* status is
7 **REVOKED.**

8 DATED: April 27, 2012.

9
10 

11 _____
12 Kent J. Dawson
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26